

# SENATE BILL 11

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(PRE-FILED)

0lr0390  
CF 0lr3244

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By: ~~Senator Conway~~ **Senators Conway and Dyson**

Requested: July 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Business Regulation – Returnable Containers – Plastic Secondary Packaging**

3 FOR the purpose of prohibiting certain persons from ~~accepting possession of~~  
4 purchasing more than a certain number of items of plastic secondary packaging  
5 for a certain purpose; requiring certain persons that purchase certain plastic  
6 secondary packaging to make a certain record of each transaction in which a  
7 person sells a certain number of items of plastic secondary packaging; requiring  
8 certain purchasers to verify the identity of certain sellers in a certain manner;  
9 requiring certain purchasers to keep certain records of certain transactions;  
10 requiring certain records to be kept for a certain period of time; providing that a  
11 person that violates this Act is guilty of a misdemeanor and subject to a certain  
12 fine; defining a certain term; and generally relating to the ~~possession and~~  
13 purchase of plastic secondary packaging.

14 BY adding to

15 Article – Business Regulation

16 Section 19–308

17 Annotated Code of Maryland

18 (2004 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **19-308.**

2 (A) (1) IN THIS SECTION, "PLASTIC SECONDARY PACKAGING" MEANS  
3 A PLASTIC CRATE OR SHELL USED FOR THE BULK TRANSPORTATION, STORAGE,  
4 OR CARRYING OF RETAIL ITEMS.

5 (2) "PLASTIC SECONDARY PACKAGING" INCLUDES MILK CRATES,  
6 BAKERY AND SOFT DRINK TRAYS, AND OTHER COMMERCIAL PLASTIC  
7 SECONDARY PACKAGING.

8 (B) OTHER THAN A MANUFACTURER OF PLASTIC SECONDARY  
9 PACKAGING, A PERSON MAY NOT ~~ACCEPT POSSESSION OF~~ PURCHASE FOUR OR  
10 MORE ITEMS OF PLASTIC SECONDARY PACKAGING FOR THE PURPOSE OF  
11 RECYCLING, SHREDDING, OR DESTROYING THE ITEMS.

12 (C) (1) EACH PERSON THAT PURCHASES AN ITEM OF PLASTIC  
13 SECONDARY PACKAGING, INCLUDING A PERSON THAT IS IN THE BUSINESS OF  
14 RECYCLING, SHREDDING, OR DESTROYING PLASTIC SECONDARY PACKAGING,  
15 SHALL MAKE A WRITTEN RECORD OF EACH TRANSACTION IN WHICH A PERSON  
16 SELLS FOUR OR MORE ITEMS OF PLASTIC SECONDARY PACKAGING, THAT SHOWS  
17 THAT THE PERSON SELLING THE PLASTIC SECONDARY PACKAGING HAS LAWFUL  
18 POSSESSION OR OWNERSHIP OF THE PLASTIC SECONDARY PACKAGING.

19 (2) FOR EACH TRANSACTION SUBJECT TO PARAGRAPH (1) OF  
20 THIS SUBSECTION, THE PURCHASER SHALL:

21 (I) VERIFY THE SELLER'S IDENTITY BY A DRIVER'S LICENSE  
22 OR OTHER GOVERNMENT-ISSUED IDENTIFICATION; AND

23 (II) MAKE A RECORD OF EACH TRANSACTION THAT  
24 INCLUDES:

25 1. THE NAME, ADDRESS, TELEPHONE NUMBER, AND  
26 SIGNATURE OF THE SELLER OR THE SELLER'S AUTHORIZED REPRESENTATIVE;

27 2. THE NAME AND ADDRESS OF THE ~~BUYER~~  
28 PURCHASER;

29 3. THE REGISTRATION NUMBER AND LICENSE TAG  
30 NUMBER OF ANY VEHICLE USED IN THE DELIVERY OF THE PLASTIC SECONDARY  
31 PACKAGING;

32 4. A DESCRIPTION OF THE ITEMS SOLD, INCLUDING  
33 THE NUMBER OF UNITS; AND

1                                   **5. THE DATE OF THE TRANSACTION.**

2                   **(D) THE PURCHASER SHALL KEEP THE RECORDS REQUIRED BY THIS**  
3 **SECTION FOR AT LEAST 1 YEAR AFTER THE DATE OF PURCHASE.**

4                   **(E) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**  
5 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.**

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.